

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WJ HOLDING LIMITED and STUBRICK
LIMITED,

Plaintiffs,

-against-

SHIREEN MARITIME LTD, MAZLIN TRADING
CORP., AMM CONSULTING AND
MANAGEMENT GROUP LLC, and
ALEXANDER SPIEGEL,

Defendants.

Docket No. 1:19-cv-07426 (JGK)

**DECLARATION IN SUPPORT
OF PLAINTIFFS' MOTION TO
REMAND AND FOR COSTS**

I, Yonatan Y. Jacobs, declare under penalty of perjury that the foregoing is true and correct:

1. I am an associate at Sher Tremonte LLP and represent Plaintiffs WJ Holding Limited and Stubrick Limited in the above-captioned matter. I submit this declaration in support of Plaintiffs' motion to remand this action to the New York State Supreme Court pursuant to 28 U.S.C. § 1447 and for reasonable costs.

2. On November 21, 2016, Defendants Shireen and Mazlin commenced arbitration proceedings against Plaintiffs in the London Court of International Arbitration ("LCIA Tribunal").

3. A Summons and Complaint (the "Initial Complaint") was filed in the underlying action in the Supreme Court of the State of New York, Kings County (the "State Court") on April 7, 2017 (the "Removed Action"). A true and correct copy of the Initial Complaint is attached hereto as **Exhibit A**.

4. On May 17, 2017, Defendants moved to dismiss the Initial Complaint on the grounds of lack of personal jurisdiction, the presence of the arbitration clauses in the loan agreements, failure to state a claim, and *forum non conveniens*.

5. On January 23, 2018, LCIA Tribunal issued a final award (“Arbitral Award”). A true and correct copy of the Arbitral Award is attached hereto as **Exhibit B**.

6. On March 14, 2018, Defendants were served with a copy of the decision and order of Hon. Loren Baily-Schiffman, dated March 13, 2018, denying the motion to dismiss (the “State Court Order”). A true and Correct copy of the notice of entry of the State Court Order is attached hereto as **Exhibit C**.

7. On March 26, 2018, Defendants filed their answer with counterclaims (the “Initial Answer”). A true and correct copy of Defendants’ Initial Answer is attached hereto as **Exhibit D**.

8. In March 2018, Defendants served deposition notices in the State Action.

9. In April 2018, after Defendants had already interposed their Breach of Contract Counterclaim in the State Court, Mazlin commenced a new action against WJH, Stubrick, Drukker, and other individuals in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida (the “Florida Action”). The Florida Action petitions for confirmation of the Arbitral Award, as well as additional relief for alleged fraudulent transfers. A true and correct copy of the Petition to Confirm Arbitration Award and Complaint for Fraudulent Transfers in the Florida Action is attached hereto as **Exhibit E**.

10. On April 17, 2018, Plaintiffs filed their reply to Defendants’ Counterclaims (the “Initial Reply”). A true and correct copy of the Initial Reply is attached hereto as **Exhibit F**. Defendants did not include a copy of the Initial Reply with their Notice of Removal.

11. On May 16, 2018, Defendants in the Florida Action moved to dismiss Mazlin's claims.

12. In June and July 2018 in the Florida Action, the parties exchanged discovery requests and served responses and objections. The parties also negotiated an agreed confidentiality order.

13. On October 23, 2018, the Court so-ordered an agreement between the parties abating the Florida Action pending final resolution of the State Action (the "Agreed Order"). A true and correct copy of the Agreed Order is attached hereto as **Exhibit G**.

14. In February 2019, the parties served requests for documents and interrogatories in the State Action.

15. On March 7, 2019, the State Court granted Defendants' unopposed motion for leave to amend their answer, ordering that Defendants' amended answer with counterclaims (the "Amended Answer") is deemed filed and served as of December 11, 2018, and granting Plaintiffs twenty days to reply to the amended counterclaims. A true and correct copy of the Amended Answer is attached hereto as **Exhibit H**.

16. On March 27, 2019, Plaintiffs filed their reply to the Amended Answer with counterclaims (the "Amended Reply"). A true and correct copy of the Amended Reply is attached hereto as **Exhibit I**. Defendants did not include a copy of the Amended Reply with their Notice of Removal.

17. In May 2019, Plaintiffs served their responses and objections to Defendants' demand for discovery and inspection.

18. In June 2019, the parties exchanged documents in discovery, and Defendants responded to Plaintiffs' interrogatories.

19. During discovery, the parties negotiated and were subject to several court orders regarding the nature and timing of discovery.

20. On July 9, 2019, Plaintiffs filed and properly served an amended complaint via electronic filing on the Supreme Court docket. A copy of the Amended Complaint is attached hereto as **Exhibit J**.

21. On August 8, 2019, Defendants filed a Notice of Removal with this Court. A copy of the Notice of Removal is attached hereto as **Exhibit K**.

22. Defendants have not filed a copy of the Notice of Removal with the State Court.

23. Defendants did not file, along with their Notice of Removal, a copy of the State Court Order.

24. On August 15, 2019, Defendants moved by order to show cause for injunctive and temporary relief against Mazlin and Shireen and included in their filing a copy of a Verified Petition to Recognize and Enforce Foreign Arbitration Awards, Case No. 1:19-cv-07652 (the “Federal Action”). A true and correct copy of the petition filed in the Federal Action is attached hereto as **Exhibit L**.

Dated: New York, New York
September 5, 2019

/s/ Yonatan Y. Jacobs
Yonatan Y. Jacobs